

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TYRONE WASHINGTON,  
Plaintiff,

v.

WASHINGTON STATE DEPARTMENT  
OF CORRECTIONS, et al,  
Defendants.

Case No. C05-5630RBL

ORDER

THIS MATTER comes on before the above entitled Court upon the Report and Recommendation of the Honorable J. Kelley Arnold, Chief United States Magistrate Judge [Dkt. #40].

Having considered the entirety of the records and file herein, the Court finds and rules as follows:

The Court adopts the Report and Recommendation except as to the report's recommendation that plaintiff's claim against Officer Patton as analyzed under the Fourth Amendment, survives summary judgment. For the reasons set forth below, Defendants' Motion for Summary Judgment [Dkt. #36] shall be granted in all respects and plaintiff's complaint shall be dismissed.

Summary judgment is appropriate on plaintiff's claim against Officer Patton. Plaintiff admits he possessed contraband under his clothing. There is no dispute that plaintiff failed to follow the strip search procedure as set forth in DOC Policy 420.310 (effective date 3/7/01). The policy states that the individual being searched "spread the buttocks to expose the anus." It provides that females must "squat." Defendants' Motion for Summary Judgment, Declaration of Sara Olson, p. 20 [Dkt. #36]. Plaintiff admits he "squatted"

1 when searched. Complaint [Dkt. #1]; Deposition of Tyrone Washington, Defendants' Motion for Summary  
2 Judgment, Exhibit 2, Declaration of Sara Olson [Dkt. #36]. It is undisputed that the purpose of the strip search  
3 is to search for contraband. It is also undisputed that officers cannot observe the anus when the person being  
4 searched is squatting. Defendant Patton did not violate plaintiff's Fourth Amendment rights when he required  
5 plaintiff to go through the strip search procedure four times until he complied and allowed his anus to be  
6 exposed. It is hereby

7 **ORDERED** that Defendants' Motion for Summary Judgment [Dkt. #36] is **GRANTED**. Plaintiff's  
8 complaint is **DISMISSED WITH PREJUDICE**.

9 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing  
10 pro se.

11 Dated this 21<sup>st</sup> day of February, 2007.

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14 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE  
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